

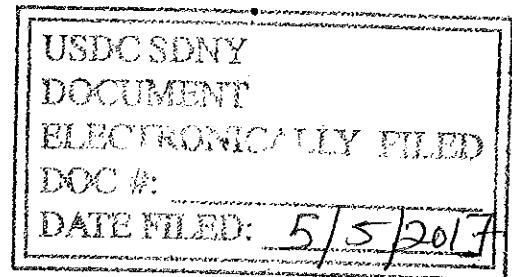
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April 30, 2017
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Hon. Louis L. Stanton/ Hon. Denise L. Cote

500 Pearl St.

New York, NY 10007-1312

Re: *ASCAP and BMI Consent Decrees*



Dear Judges Stanton and Cote:

In 2014 the Antitrust Division of the U.S. invited and received over 200 public comments into the operation and effectiveness of the ASCAP and BMI consent decrees.

One commenter, James Curtis Morrow, timely submitted his comment www.justice.gov/atr/public-comments

On August 4, 2016, and without a reply to the public comments, the Department of Justice closed the Antitrust Division's Review of the *ASCAP* and *BMI Consent Decree*.

The Tunney Act contemplates that the DOJ should evaluate the public comments that it receives and, if appropriate, consider modifications of the proposed consent decree in response to the issues raised by those comments. See 15 U.S.C. § 16(b) and (d)

Apparently the DOJ's theory is that the Tunney Act does not apply to "interpretations" of the ASCAP and BMI decrees and therefore no response to public comments is required.

If that reasoning is accepted the DOJ could here, and in similar antitrust actions, circumvent the clear design of the Tunney Act by a mere act of labelling any legitimate modification or rule change as an "interpretation".

Whatever label the DOJ chooses to affix, Judge Stanton and Judge Cote are allowed to review any comments including any objections filed with the United States under subsection (d) of this

section concerning the proposed judgment and the responses of the United States to such comments and objections; and take such other action in the public interest as the court may deem appropriate. 15 U.S.C. § 16(e), (f).

In conclusion, movant seeks a public interest determination to the DOJ's failure to respond to his public comment.

Respectfully,

A handwritten signature in black ink, appearing to read "James Curtis Morrow", written over a printed name.

James Curtis Morrow

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